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Tatsuo Kamei

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EXAMINER

ZHANG, FAN

ART UNIT

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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/528,149	Applicant(s) KAMEI, TATSUO	
	Examiner FAN ZHANG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 2,4-9,11,13,15-18,20,22-24,26 and 28-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 10, 12, 14, 19, 21, 25, and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's remarks on amended independent claims received on December 31, 2008 have been fully considered and they are moot in view of a new ground of rejection necessitated by the corresponding amendments. Currently, claims 1, 3, 10, 12, 14, 19, 21, 25, and 27 are rejected; and claims 2, 4-9, 11, 13, 15-18, 20, 22-24, 26, and 28-30 are cancelled.

Response to Amendments

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3, 10, 12, 14, 19, 21, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino (US Patent: 6,201,610) and in further view of Kadota et al (US Pub: 2001/0043723), Iwata et al (US Pub: 2002/0163666), and Tsunekawa (US Pub: 2002/0015171).**

Regarding claim 1 (currently amended), Ogino teaches: A print control device for controlling a printing process in a printer that prints, using a printer engine, contents

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based on print data indicating the contents to be printed and that has a memory print function, the print control device [abstract], comprising: a division unit operable to obtain the print data from outside the print control device, and to divide the obtained print data into a plurality of files, wherein the plurality of files correspond to respective individual areas of the contents to be printed; a storage unit having an area where the plurality of files are stored; a read and write unit operable to write, into the storage unit, the plurality of files, and to read out the plurality of files stored in the storage unit [col 10: lines 41-67, col 1: lines 65-67, col2: lines 1-6, figs. 13, 18, and 22 (As illustrated print data are divided into a plurality of page files with each file contents corresponding to data in each individual page.)]; and a file processing unit operable to output, to the printer engine, a file that has been detected by the detection unit as being read out successfully, and to cause the printer engine to print the contents to be printed [col 2: lines 6-14, col 9: lines 28-42, figs. 8A, 8B].

Ogino is lack of description on successful detection of data reading although it would be an inevitable step leading to outputting a stored file successfully as illustrated in figs. 8A, 8B, 13, 18, and 22. Ogino is also silent about resending data in an event of error occurrence. In the same field of endeavor, Kadota et al teach: a detection unit operable to detect, on a file-by-file basis, whether or not the reading of the files has been successfully performed in the read and write unit [p0082, p0040]; wherein, when the detection unit detects that a file has not been read out successfully and the individual area corresponding to the file is specified, the division unit (i) obtains the print data from outside the print control device by causing a device outside the print control

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device to resend the print data; and (iii) generates, from the extracted information, a new file different from the file detected by the detection unit as not having been read out successfully, and wherein the read and write unit writes the generated new file into the storage unit [p0010, p0042, p0067]. Verifying successful reading of data before printing and resending print data when the corresponding page has not been read out successfully have been well known and practiced in the art as prescribed by Kadota et al. Therefore, it would have been obvious for an ordinary skilled in the art to modify Ogino's teaching to include the detection step to verify proper reading of each data file and have print data resent in an event of error occurrence for ensuring quality of each printed page.

Kadota et al directly resend the specific error page for recovery instead of resending a complete document file and extracting the specific error page as expressed in the claimed invention. Although the steps/actions involved in Kadota et al's teaching differ from those in the claimed invention, the same result in terms of recovering/obtaining the only troubled page would have been rendered. Nevertheless, in the same field of endeavor, Iwata et al prescribes a printing device capable of performing the claimed actions: (ii) extracts, from the resent print data, information included only in the specified individual area out of all information included in the resent print data, and (iii) generates, from the extracted information, a new file different from the file detected by the detection unit, and wherein the read and write unit writes the generated new file into the storage unit [p0312 (The controller is capable of diving data into page files, extracting only specific pages, grouping those extracted pages into a

new file which is different from the original intermediate data file and storing the new file in memory of a corresponding printer for printing.)) Therefore, given Iwata et al's prescription on extracting specific data from a data file, it would have been an obvious variation for an ordinary skilled in the art to modify Kadota et al's teaching to extract an error page from a file resent for data recovery based on user preference.

Ogino, Kadota et al, and Iwata et al do not explicitly specify the divided individual area to be smaller than a page. In the same field of endeavor, Tsunekawa teaches: wherein the plurality of files correspond to respective individual areas of the contents to be printed, each of the individual areas being smaller than a page of the contents to be printed [p0075, fig. 9]. Dividing a page data into smaller individual area such as bad-shape area has been well practiced in the art as prescribed by Tsunekawa. Therefore, it would have been obvious for an ordinary skilled in the art to modify the combined teaching of Ogino, Kadota et al, and Iwata et al to divide a page data into smaller area for reducing cache memory and allowing faster data transferring.

Regarding claim 3 (currently amended), the rationale applied to the rejection of claim 1 has been incorporated herein. Kadota et al further teach: The print control device according to claim 1, further comprising an error file processing unit operable to cause the printer engine to perform a predetermined printing on the file that has been detected by the detection unit as not having been read out successfully [p0040, p0043].

Regarding claim 10 (currently amended), the rationale applied to the rejection

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of claim 1 has been incorporated herein. Kadota et al further teach: The print control device according to claim 1, wherein the generated new file written into the storage unit replaces the file detected by the detection unit as not having been read out successfully [p0021, p0022].

Regarding claims 12 and 14 (currently amended), the method steps herein have been performed or executed by the corresponding apparatuses in claims 1 and 3. Claims 12 and 14 have been analyzed and rejected with regard to claims 1 and 3 respectively.

Claims 19 and 21 (currently amended) have been analyzed and rejected with regard to claims 12 and 14 respectively and in accordance with Kadota et al's further teaching on: A program recorded on a computer-readable recording medium for controlling a printing process [p0072].

Claims 25 and 27 (currently amended) have been analyzed and rejected with regard to claims 1 and 3 respectively.

Conclusion

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fan Zhang whose telephone number is (571) 270-3751. The examiner can normally be reached on Mon-Fri from 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fan Zhang/

Patent Examiner

/Mark K Zimmerman/

Supervisory Patent Examiner, Art Unit 2625